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Message Text

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E.O. 11652: N/A
TAGS: ICJ (INTERNATIONAL COURT OF JUSTICE), GW, UK, IC, NL
SUBJECT: ICJ CONTINUES INTERIM MEASURES OF PROTECTION IN FISHERIES JURISDICTION CASES

1. SUMMARY: ON JULY 12 ICJ, BY VOTE OF 11-3, CONFIRMED PROVISIONAL MEASURES INDICATED IN ORDERS OF 17 AUGUST 1972 ARE TO REMAIN OPERATIVE UNTIL ICJ RENDERS FINAL JUDGMENT IN ICELAND FISHERIES CASE. END SUMMARY.

2. ICJ, BY VOTE OF 11-3 (JUDGES IGNACIO-PINTO, GROS AND PETREN DISSENTING), CONFIRMED THAT PROVISIONAL MEASURES INDICATED IN OPERATIVE PARAGRAPH 1 OF THE ORDERS OF 17 AUGUST 1972 SHOULD, SUBJECT TO REVOCATION OR MODIFICATION POWERS OF COURT CONTAINED IN PARA 7, ARTICLE 61 OF 1946 RULES, REMAIN OPERATIVE UNTIL COURT HAS GIVEN FINAL JUDGMENT IN EACH CASE (UK VS ICELAND AND FRG VS ICELAND).

3. IN REAFFIRMING INTERIM MEASURES, COURT NOTED:
(A) NEGOTIATIONS HAVE TAKEN PLACE OR ARE TAKING PLACE BETWEEN
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STATES INVOLVED WITH VIEW TOWARD REACHING INTERIM ARRANGEMENT PENDING FINAL SETTLEMENT OF DISPUTES.

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(B) PROVISIONAL MEASURES DO NOT EXCLUDE INTERIM ARRANGEMENT WHICH MAY BE AGREED UPON BY CONCERNED GOVERNMENTS. THIS AGREEMENT COULD BE BASED ON CATCH LIMITATION FIGURES DIFFERENT FROM THOSE INDICATED BY THE ICJ, AS WELL AS ON RELATED RESTRICTIONS CONCERNING AREAS CLOSED TO FISHING, NUMBER AND TYPE OF VESSELS PERMITTED, AND FORMS OF CONTROL FOR AGREED PROVISIONS.

(C) THAT ICJ, PENDING FINAL DECISION AND IN ABSENCE OF INTERIM ARRANGEMENT, MUST PRESERVE BY INDICATION OF PROVISIONAL MEASURES, RIGHTS WHICH MAY SUBSEQUENTLY BE ADJUDGED BY COURT TO BELONG RESPECTIVELY TO THE PARTIES.

4. IN MAKING ITS DECISION, COURT BRIEFLY OUTLINED HISTORY OF CASE SO FAR. IT MADE ORIGINAL ORDERS ON 17 AUGUST 1972 BY VOTE OF 14-1 AND AT THAT TIME PROMISED TO REVIEW MATTER AT REQUEST OF EITHER PARTY IF IT HAD NOT YET DELIVERED ITS FINAL JUDGEMENT ON THE CASE. ON FEB 2, 1973 THE COURT DELIVERED TWO JUDGEMENTS FINDING THAT IT POSSESSED JURISDICATION TO DEAL WITH THE TWO CASES. ON FEB 15, 1973 IT ISSUED ORDERS FIXING TIME LIMITS FOR WRITTEN PROCEEDINGS ON MERITS IN EACH CASE. ON JUNE 22, 1973, THE UK REQUESTED THE COURT TO CONFIRM INTERIM MEASURES UNTIL FINAL JUDGMENT OR FURTHER ORDER MADE. ON JULY 2, 1973, THE GOVERNMENT OF ICELAND, IN A TELEGRAM, SUBMITTED OBSERVATIONS ON REQUESTS MADE BY FRG AND UK. ICELAND PROTESTED AGAINST CONTINUATION OF INTERIM MEASURES, MAINTAINED THAT HIGHLY MOBILE FISHING FLEETS SHOULD NOT BE ALLOWED TO INFLICT THREAT OF DETERIORATION OF FISH STOCKS AND ENDANGER VIABILITY OF ONE SOURCE ECONOMY; AND CONCLUDED THAT TO FREEZE PRESENT DANGEROUS SITUATION MIGHT CAUSE IRREPARABLE HARM TO INTERESTS OF ICELAND.

5. AS SOON AS AVAILABLE, COURT'S LATEST ORDER IN FISHERIES CASE WILL BE POUCHED TO ADDRESSEES.
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